



General Assembly

January Session, 2015

Committee Bill No. 239

LCO No. 3253



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:
(INS)

***AN ACT PROHIBITING CERTAIN EXCLUSIONS FROM AUTOMOBILE
INSURANCE POLICY COVERAGE.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 31-293a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 If an employee or [.] in case of his or her death, his or her
4 dependent, has a right to benefits or compensation under this chapter
5 on account of injury or death from injury caused by the negligence or
6 wrong of a fellow employee, such right shall be the exclusive remedy
7 of such injured employee or dependent and no action may be brought
8 against such fellow employee unless such wrong was wilful or
9 malicious or the action is based on the fellow employee's negligence in
10 the operation of a motor vehicle as defined in section 14-1. For
11 purposes of this section, contractors' mobile equipment such as
12 bulldozers, [powershovels] power shovels, rollers, graders or scrapers,
13 farm machinery, cranes, diggers, forklifts, pumps, generators, air
14 compressors, drills or other similar equipment designed for use
15 principally off public roads are not "motor vehicles" if the claimed
16 injury involving such equipment occurred at the worksite on or after

17 October 1, 1983. [No insurance policy or contract shall be accepted as
18 proof of financial responsibility of the owner and as evidence of the
19 insuring of such person for injury to or death of persons and damage
20 to property by the Commissioner of Motor Vehicles required by
21 chapter 246 if it excludes from coverage under such policy or contract
22 any agent, representative or employee of such owner from such policy
23 or contract. Any provision of such an insurance policy or contract
24 effected after July 1, 1969, which excludes from coverage thereunder
25 any agent, representative or employee of the owner of a motor vehicle
26 involved in an accident with a fellow employee shall be null and void.]

27 Sec. 2. Section 38a-334 of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2015*):

29 (a) The Insurance Commissioner shall adopt regulations, in
30 accordance with the provisions of chapter 54, with respect to minimum
31 provisions to be included in automobile liability insurance policies
32 issued after the effective date of such regulations and covering private
33 passenger motor vehicles, as defined in subsection (e) of section 38a-
34 363, motor vehicles with a commercial registration, as defined in
35 section 14-1, motorcycles, as defined in section 14-1, motor vehicles
36 used to transport passengers for hire, motor vehicles in livery service,
37 as defined in section 13b-101, and vanpool vehicles, as defined in
38 section 14-1, registered or principally garaged in this state. Such
39 regulations shall relate to the insuring agreements, exclusions,
40 conditions and other terms applicable to the bodily injury liability,
41 property damage liability, medical payments and uninsured motorists
42 coverages under such policies, shall make mandatory the inclusion of
43 bodily injury liability, property damage liability and uninsured
44 motorists coverages and shall include a provision that the insurer shall,
45 upon request of the named insured, issue or arrange for the issuance of
46 a bond [which] that shall not exceed the aggregate limit of bodily
47 injury coverage for the purpose of obtaining release of an attachment.

48 (b) The commissioner, before adopting such regulations or any

49 subsequent modifications or amendments thereof, shall consult with
 50 insurers licensed to write automobile liability insurance in this state
 51 and other interested parties. Nothing contained in such regulations or
 52 in sections 38a-334 to 38a-336a, inclusive, as amended by this act, 38a-
 53 338 and 38a-340 shall prohibit any insurer from affording broader
 54 coverage under a policy of automobile liability insurance than that
 55 required by such regulations.

56 (c) No automobile insurance policy shall exclude from coverage any
 57 agent, representative or employee of the owner of a motor vehicle as
 58 defined in section 14-1, where such agent, representative or employee
 59 is negligent in operating the owner's motor vehicle and is involved in
 60 an accident with another employee of the owner. Any provision of
 61 such a policy that excludes such coverage shall be null and void.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	31-293a
Sec. 2	October 1, 2015	38a-334

Statement of Purpose:

To prohibit automobile insurance policies from excluding coverage for an agent, representative or employee of a motor vehicle owner, where such agent, representative or employee is negligent in operating the owner's motor vehicle and is involved in an accident with another employee of the owner.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. BYE, 5th Dist.; REP. BECKER, 19th Dist.
 REP. VERRENGIA, 20th Dist.

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